



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

February 11, 2016

9:00 AM

Osceola County Commission Chambers
1 Courthouse Square
Kissimmee, FL 34741

FINAL

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Peter Antonacci, Executive Director
 - January Team of the Month: Mira Lago Off-Site Wetland Mitigation Team
4. Local Officials - Dan O'Keefe, Chairman, Governing Board
5. Agenda Revisions - Marcia Kivett, Director, Office of Governing Board & Executive Services
6. Abstentions by Board Members from items on the Agenda
7. Project & Lands Committee Report - Clarke Harlow, Chair
8. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair
9. Big Cypress Basin Board Report - Rick Barber, Chair
10. Approval of the Minutes for the January 14, 2016 Governing Board Meeting, held in West Palm Beach

Consent Agenda

11. Public Comment on Consent Agenda
12. Move Consent Agenda Items to Discussion Agenda
13. Board Comment on Consent Agenda
14. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
15. Regulatory Consent Items
 - Consent Orders
 - Settlement of penalties and staff costs of \$2,500 of an enforcement action against the City of Homestead due to failure to construct mitigation areas as required by Consent Order SFWMD 2007-05 CO ERP of March 8, 2007, and Environmental Resource Permit No. 13-01176-P of July 14, 2009. To help offset impacts from construction of parking areas in support of the Homestead Motorsports Park, the City of Homestead, located in Miami-Dade County, is required to build 20.7 acres of freshwater littoral shelf mitigation area, which is past due. The City of Homestead intends to complete construction of the previously agreed upon 20.7 acres of mitigation area, plus 2 additional acres in lieu of penalties, for a total of 22.7 acres of freshwater littoral shelf mitigation area. Mitigation work is scheduled to be completed on or before March 31, 2016.
 - Conservation Easements, Amendments and Releases
 - Modification to an Agreement between Florida Gulf Coast University and the South Florida Water Management District (District), for legal description amendments to several conservation areas within Environmental Resource Permit No. 36-02881-S, located in Lee County. This request constitutes a 3rd revision to the original Agreement, and consists of:
 - Accounting for encroachments to 11 Conservation Areas (Conservation Area Nos. 5,6,7,8,9,14,18,20,24,25 and 27) totaling 4.17 acres;
 - Removing 10.4 acres of lakes 4A, 4B, 4C & 6A, which were inadvertently included in the sketch and legal description for Conservation Area No. 20 and No. 25.
 - Accounting for impacts to upland preserve areas resulting from utility work and the main road entrance sign, totaling 1.19 acres. Mitigation is being provided through mitigation bank credits.
 - Revising the legal descriptions of six existing recorded conservation areas to add 6.79 acres of additional onsite mitigation.
 - Approval of the release of eight portions, totaling 0.4966 acres, of a 20.29 acre existing conservation easement consisting entirely of wetlands, within a project known as Landmark South in Miami-Dade County. The applicant is requesting the release of portions 1 through 5 to modify the alignment of a previously permitted roadway (Permit No. 13-02759-P), as requested by the City of Doral to address traffic and public safety concerns. The release of portions 6 through 8 is requested for the improvement of fill pads associated with FPL power poles. A permit modification (Application No. 150605-10) has

been submitted that includes proposed mitigation in the form of the purchase of 0.29 freshwater herbaceous mitigation credits from FPL Everglades Mitigation Bank. Approximately 19.79 acres of the original conservation easement area will remain, consisting entirely of wetlands.

- Approval of a Termination of Conservation Easement dedicated to the District (OR Book 10814, Page 773, et seq.) for a project known as Eagle Creek, in Orange County, Florida (Permit No. 48-01290-P). A Conservation Easement and a Replacement Conservation easement were inadvertently recorded over the same tract of land. The Eagle Creek Development and SFWMD staff wish to terminate the Replacement Conservation Easement and reaffirm the Original Conservation Easement. There is no loss of wetland protection and no mitigation is required as part of this request.
- Seminole Tribe Work Plans
 - Concur with the Twenty Ninth Annual Work Plan for the Seminole Tribe of Florida. This work plan is the procedural mechanism under which the District addresses water use, surface water management, natural resource management, well construction, and right of way activities the tribe plans to undertake. This mechanism was established under the 1987 Water Rights Compact among the Seminole Tribe of Florida, the State of Florida and the SFWMD (also see Section 373.200, Florida Statutes). Under this amended work plan, the following activities are planned. Works in the Big Cypress Reservation include the proposed demolition of the existing tribal historic preservation trailers, asphalt parking lot, and twelve foot wide access driveway and associated 24-inch culvert; works in the Brighton Reservation include details and request to release of 66.94 functional value units to the Brighton Advance Mitigation Area Ledger, Danette Bowers home site and request for a deduction on functional value units from the Brighton Advance Mitigation Area Ledger to compensate for both primary and secondary impacts, in-kind replacement of three existing culvert structures associated with the Brighton Advance Mitigation Area; works in the Hollywood Reservation include the proposed construction of the Okalee Village stormwater management system; works in the Immokalee Reservation include the construction of the proposed improvement in the capability of the Immokalee Waste Water Treatment Plant to handle future capacity needs.

16. Right of Way Regulatory Consent

RIGHT OF WAY OCCUPANCY NEW PERMITS

Staff recommends approval of a request by Parks Masterson (Application Number 15-0707-2) for issuance of a Right of Way Occupancy Permit Number 14541 for a marina within the C-4 canal. Location: 3300 NW 21st Street, Miami-Dade County, Section 28, Township 53 South, Range 41 East.

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

Staff recommends approval of a request by Lee Memorial Health System (Application Number 15-0106-1) for issuance of a Right of Way Occupancy Permit Number 14551 for a sign within the west right of way of the Airport Road Canal, and waiver of the District's criteria to allow for the placement of above-ground permanent or semi-permanent

encroachments within 40 feet of top of canal bank and placement within a District staging area. Location: Collier County, Section 12, Township 49 South, Range 25 East.

17. **Resolution No. 2016 - 0201** Approve release of canal and road reservations, and issuance of non-use commitment, for Frank DeCarlo and Charles H. Paschal (File Nos. 18663 and NUC 1683) for 1.53 acres in Okeechobee County (Real Estate staff contact, Kathy Massey, ext. 6835)

Summary:

The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

Staff Recommendation:

Staff recommends approval of the following:

- Release of canal and road reservations, and issuance of non-use commitment for Frank DeCarlo and Charles H. Paschal (File Nos. 18663 and NUC 1683) for 1.53 acres in Okeechobee County

18. **Resolution No. 2016 - 0202** Request the release of funds in the amount of \$3,228,420 and associated costs from the Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 912.36 acres, more or less, for the purchase of thirty-five (35) tracts in the Picayune Strand Restoration Project - CERP, Belle Meade Component, Collier County. (Real Estate staff contact, Richard Bassell, ext. 2510)

Summary:

As local sponsor for the U. S. Army Corps of Engineers, the District is actively acquiring lands in the Picayune Strand Restoration Project. Funding for these transactions will be obtained from the Save Our Everglades Trust Fund ("SOETF"). As a requirement of Section 373.139(3)(c), F.S., the District must adopt a resolution to the Department of Environmental Protection formally requesting SOETF funds.

19. **Resolution No. 2016 - 0203** Authorize an amendment to Work Order Contract 4600002401 with Environmental Consulting and Technology Inc., for Environmental Risk Assessment Services, to increase the Work Order Contract in an amount not to exceed \$400,000. (Contract 4600002401) (Real Estate staff contact, Ray Palmer, ext. 2246)

Summary:

This item before the Governing Board is to increase the Not to Exceed Threshold for the Environmental Risk Assessment Services Work Order Contract. The above-referenced Contract was executed in 2011 with provisions for three-year terms, and an additional two (2) one-year renewals. Based upon a performance evaluation, both one-year renewals were recently exercised. The original contract Not to Exceed Threshold in the amount of \$900,000 addressed only the initial three-year term. The prior expenditure limits were also developed prior to the implementation of the recent Everglades Restoration Strategies Regional Water Quality Program Projects (particularly the STA-West

Expansion Project) and the C-44 Reservoir/STA Project, which have required additional environmental and ecological assessment activities. The agenda request is to increase the Not to Exceed Threshold in the amount of \$400,000 from \$2,450,000 to \$2,850,000 for the referenced Contract. Please note that a previous Contract Amendment accomplishing a prior contract capacity increase was executed on October 15, 2014. It is also noteworthy that the recommendation does not allocate or award funds specific to a Project, but merely increases the contract Not to Exceed Threshold of the Work Order Contract.

20. **Resolution No. 2016 - 0204** Authorize an amendment to Work Order Contract 4600002399 with Professional Services Industries, Inc. for Environmental Risk Assessment Services, to increase the Work Order Contract in an amount not to exceed \$400,000. (Contract 4600002399) (Real Estate staff contact, Ray Palmer, ext. 2246)

Summary:

This item before the Governing Board is to increase the Not to Exceed Threshold for the Environmental Risk Assessment Services Work Order Contract. The above-referenced Contract was executed in 2011 with provisions for three-year terms, and an additional two (2) one-year renewals. Based upon a performance evaluation, both one-year renewals were recently exercised. The original Contract Not to Exceed Threshold in the amount of \$900,000 addressed only the initial three-year term. The prior expenditure limits were also developed prior to the implementation of the recent Everglades Restoration Strategies Regional Water Quality Program Projects (particularly the STA-West Expansion Project) and the C-44 Reservoir/STA Project, which have required additional environmental and ecological assessment activities. The agenda request is to increase the Not to Exceed Threshold in the amount of \$400,000 from \$2,300,000 to \$2,700,000 for the referenced Contract. Please note that a previous Contract Amendment accomplishing a prior contract capacity increase was executed on October 13, 2014. It is also noteworthy that the recommendation does not allocate or award funds specific to a Project, but merely increases the Not to Exceed Threshold of the Work Order Contract.

21. **Resolution No. 2016 - 0205** Authorize an amendment to Work Order Contract 4600002397 with URS Corporation Southern, for Environmental Risk Assessment Services, to increase the Work Order Contract in an amount not to exceed \$400,000. (Contract 4600002397) (Real Estate staff contact, Ray Palmer, ext. 2246)

Summary:

This item before the Governing Board is to increase the Not to Exceed Threshold for the Environmental Risk Assessment Services Work Order Contract. The above-referenced Contract was executed in 2011 with provisions for three-year terms, and an additional two (2) one-year renewals. Based upon a performance evaluation, both one-year renewals were recently exercised. The original Contract Not to Exceed Threshold in the amount of \$900,000 addressed only the initial three-year term. The prior expenditure limits were also developed prior to the implementation of the recent Everglades Restoration Strategies Regional Water Quality Program Projects (particularly the STA-West Expansion Project) and the C-44 Reservoir/STA Project, which have required additional environmental and ecological assessment activities. The agenda request is to increase the Not to Exceed Threshold in the amount of \$400,000 from \$1,900,000 to \$2,300,000 for the referenced Contract. Please note that a previous Contract Amendment accomplishing a prior contract capacity increase was executed in October 15, 2014. It is also noteworthy that the recommendation does not allocate or award funds specific to a

Project, but merely increases the Contract Not to Exceed Threshold of the Work Order Contract.

22. Approve Lake Okeechobee Low Lake Level Enhancement Plan and submit to Florida Department of Environmental Protection for Lake Okeechobee Basin Management Action Plan (Water Resources staff contact, Lawrence Glenn, ext. 6499)

Summary

The purpose of the Lake Okeechobee Low Water Enhancement Project Plan is to have a detailed plan in place to guide the planning and implementation of lake habitat enhancement projects during future naturally occurring low water levels. The plan identifies a suite of potential activities based on habitat needs and prioritizes them as low, intermediate or high. Lake stages that serve as a trigger for implementation of each activity are provided, as well as potential partnering agencies. Cost estimates for contracted services are based on current market rates per acre of habitat to be treated/planted. Execution of all high and intermediate priority projects included in the plan currently during a single low lake level year has a maximum estimated cost of \$1,250,000. Funding sources and partnering agreements for these activities are not identified currently and would be subject to Governing Board approval. This plan will be incorporated in section 5.9.3 of the Florida Department of Environmental Protection's Lake Okeechobee Basin Management Action Plan subject to Governing Board approval.

This Plan is not a phosphorus reduction project required by FDEP's BMAP for Lake Okeechobee and no loading reductions have been assigned to the potential ecological restoration activities described herein. The ecological restoration and habitat enhancement activities have been identified as plan components that may be implemented to mitigate impacts from extreme low lake levels associated with drought conditions. Implementation of any particular component will depend in part on the drought-specific conditions and habitat needs at the time.

23. Authorize publication of a Notice of Rule Development and a Notice of Proposed Rule in the Florida Administrative Register, and request review from the Office of Fiscal Accountability and Regulatory Reform, in accordance with Executive Order 11-211, to amend Rules 40E-1.021, 40E-1.607, 40E-1.6107, 40E-1.615, 40E-1.659, 40E-1.702, 40E-41.023, 40E-41.063, 40E-41.121, 40E-41.123, 40E-41.160, 40E-41.321, 40E-41.323, and 40E-41.363, F.A.C., to: 1) delete definitions in Rule 40E-1.021, F.A.C., that are redundant of statutes and add applicable rule chapters; 2) correct the fee table in Rule 40E-1.607, F.A.C., to delete "Noticed" from "Noticed General Permit" and move fee for the "individual permit for a phase of construction that is consistent with an existing conceptual approval permit" from the major modifications category to the "new applications" category; 3) correct a rule reference in Rule 40E-1.6107, F.A.C., and update contact information; 4) delete references in Rule 40E-1.615, F.A.C., to repealed rules and replace with applicable statute; 5) update contact information and correct the date listed in Rule 40E-1.659, F.A.C., for Form 0483, Request for Surface Water Management, Water Use or Wetland Resource Permit Transfer; 6) address comments received from JAPC regarding the incorporation of enforcement guidelines that apply to the environmental resource permitting, consumptive use, and surface water management enforcement programs in Rule 40E-1.702, F.A.C.; 7) address comments received from JAPC to update the name of an agency referenced in

Rule 40E-41.160, F.A.C; and 8) rename, incorporate and provide hyperlinks to Figures referenced in Chapter 40E-41, F.A.C. (Regulation, staff contact, Ricardo Valera, ext. 6404)

Summary

The District is proposing to amend its general/procedural rules in Chapter 40E-1, F.A.C., and amend its environmental resource permit rules in Chapter 40E-41, F.A.C., to address comments from the Joint Administrative Procedures Committee (JAPC), and to make other minor changes.

24. Board Vote on Consent Agenda

25. Board Comment

Discussion Agenda

26. Technical Reports

A) Water Conditions Report - John Mitnik, Bureau Chief, Operations, Engineering & Construction (ext. 2680)

B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)

C) Project Spotlight - Rolling Meadows Restoration Project- John Mitnik, Bureau Chief, Operations, Engineering & Construction (ext. 2680)

27. **Resolution No. 2016 - 0206** Adopting the Fiscal Year 2015-16 Five-Year Capital Improvements Plan. (Administrative Services staff contact, Doug Bergstrom, ext. 6214)

Summary

Section 373.536(6)(a)3, Florida Statutes, requires the District to develop a Five-Year Capital Improvements Plan (CIP). Pursuant to Section 373.036(7), the Fiscal Year 2015-16 Five-Year Capital Improvements Plan will be published in the 2016 South Florida Environmental Report, Volume II, Chapter 4. The Fiscal Year 2015-16 Five-Year CIP identifies the following: the capital projects contained in the Fiscal Year 2015-16 adopted budget, a Fiscal Year 2015-16 adjusted projection based on updated cash flow projections, and planned future capital projects for the period of Fiscal Year 2016-17 through Fiscal Year 2019-20.

28. Fiscal Year 2015-2016 Cooperative Funding Program (Everglades Policy & Coordination, staff contact: Tom Teets, ext. 6993)

Summary

This presentation will discuss the potential path forward for the Fiscal Year 2015-2016 Cooperative Funding Program. The program's purpose is to provide financial incentives for local stormwater management, alternative water supply and water conservation projects. The presentation will present options for moving forward with a new request for applications, refined criteria and tentative schedule for implementation. This is a follow up to the presentation made at the January 2016 Project and Lands Committee Meeting.

29. South Dade Investigation Status Update (Operations, Engineering & Construction, staff contact: Walter Wilcox, ext. 2527)

Summary

The District has initiated a six-month South Dade Investigation Study to comprehensively examine water resource management in southern Miami-Dade County. This area is subject to detailed study since water management has the potential to affect active agricultural operations and urban areas as well as Taylor Slough restoration and critical habitats of the Cape Seaside Sparrow in Everglades National Park. Water management in this area can also potentially affect the eastern panhandle of Everglades National Park, Biscayne Bay and wetlands located in southeastern Miami-Dade County. The study will create a common understanding of the water management challenges in the region and identify feasible and effective projects proven to reduce flood risks in urban and agricultural areas of Miami-Dade, while providing much-needed water to natural areas. The resulting operational and structural projects could then be incorporated into ongoing and upcoming efforts initiated by the SFWMD, USACE, or implemented by other entities including local or state agencies.

30. **Resolution No. 2016 - 0207** Approve entering into a Cooperative Agreement with A. Duda & Sons, Inc. (Duda) in the amount of \$1,100,000 for the Bolles Canal Conveyance Improvement Project, for which \$1,100,000 is budgeted in the Land Acquisition Trust Fund, in the 2015-2016 budget. (Contract number 4600003326) (Contract number 4600003326) (Operations, Engineering & Construction staff contact: Jeff Kivett, ext. 2680)

Summary

The Bolles Canal Conveyance Improvements Project (Improvements) is part of the Restoration Strategies Program. The Project goal is to improve the flow capacity of the Bolles Canal from the Hillsboro to the North New River Canal. The increase in capacity of the Bolles Canal will improve flood protection levels and improve water supply to the Stormwater Treatment Areas and farmlands in the region. The project is expected to result in water quality improvements by increasing operational flexibility in the use of existing STAs.

The project chiefly consists of expanding the existing canal's limited cross-sectional area. Additionally, there is an existing culvert crossing at Duda Road that constricts conveyance capacity. In addition to the culvert crossing being undersized, it is in poor condition and has reached the end of its useful life. Since both the District and the owner of the culvert crossing share an interest in its replacement, both parties have created an agreement to share the cost of the replacement.

The Agreement outlines the cost sharing arrangement between the District and A. Duda and Sons, Inc. (Duda) for the design and construction of a new two-lane bridge and demolition of the existing culvert crossing. Duda will be responsible for their right-of-way permit modification, the detailed design of the new crossing, the construction and maintenance of the Improvements, and payment to its consultants and contractors. The District will be responsible for review, comment and approval of the plans and specifications for the Improvements and will provide reimbursement of 50% of the costs of Improvements for the new bridge and 100% of the cost of excavation of the canal cross-section under and approaching the new bridge. The agreement establishes a maximum not-to-exceed amount of \$1,100,000 in payments by the District to Duda.

Duda will commence the demolition and construction work by the end of May 2016 and will be completed by August 2016. Restrictions on duration for the existing bridge crossing to be out of service limits the construction timeframe to three months.

31. **Resolution No. 2016 - 0208** Authorize entering into a 420-day contract with Shoreline Foundation, Inc., the lowest responsive and responsible bidder, for the G-103 Replacement Structure Project, in the amount of \$2,186,349.02, which is budgeted in the 2015-2016 budget. (Contract number 4600003374) (Operations, Engineering & Construction staff contact: Jeff Kivett, ext. 2680)

Summary

The G-103 Weir, located in the Zipprer Canal in Lake Kissimmee State Park, is a steel sheet pile weir with timber flashboards for flow control. The weir controls the level of Lake Rosalie upstream by discharging flow whenever the lake is above the elevation set by the timber flashboards. These timber flashboards are manually adjusted in accordance with the regulation schedule for the structure. The weir was built in 1976, and based on inspections performed by the District through the Structure Inspection Program, the weir structure was rated as having "major deficiencies," with a high probability that the structure will not withstand a major flood event. The sheet pile weir is structurally compromised, with complete webbing loss and bending of the flanges of the H-piles from the high water line downward. In response, the District will construct a new replacement structure consisting of steel sheet pile with a concrete cap, and will install five (5) solar-operated Rubicon Slip Gates for automated flow control. The canal banks upstream and downstream of the new structure will be re-graded and portions will be armored with rip-rap.

32. General Public Comment

Staff Reports

33. Monthly Financial Report - Doug Bergstrom
34. General Counsel's Report - Brian Accardo
35. Executive Director's Report - Peter Antonacci
- Report on permits issued by authority delegated to the Executive Director from January 1-31, 2016.
36. Board Comment
37. Adjourn

Members of the public wishing to address the Governing Board on agenda items which require a vote are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board during public comment on the consent agenda. Governing Board policy limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda. Unless otherwise determined by the Chair, Board action on Consent Agenda items moved to the discussion agenda will occur at or after 9:00 a.m. on Thursday.